

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

KEVIN NESBIT,

No. 3:17-cv-01010-SB

Plaintiff,

ORDER

v.

PROGRESSIVE INSURANCE CORPORATION  
INC.; PROGRESSIVE CASUALTY COMPANY;  
PROGRESSIVE UNIVERSAL INSURANCE  
COMPANY; and PROGRESSIVE INSURANCE  
CO. INC.

Defendants.

HERNÁNDEZ, District Judge:

Magistrate Judge Stacie F. Beckerman issued a Findings and Recommendation [32] on April 24, 2018, in which she recommends that the Court: (1) grant in part PUIC's motion [24] to the extent it seeks dismissal for lack of subject matter jurisdiction; (2) allow Plaintiff thirty days to amend his complaint to drop any defendant that destroys diversity and properly allege the

citizenship of the parties that remain in his amended complaint; and (3) allow Plaintiff thirty days after he files his amended complaint to perfect service of process on PUIC.


Because neither party timely filed an objection to the Magistrate Judge's Findings and Recommendation, the Court is relieved of its obligation to review the record *de novo*. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *see also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, the Court finds no error.

#### CONCLUSION

The Court ADOPTS Magistrate Judge Beckerman's Findings & Recommendation [32]. Accordingly, PUIC's motion for dismissal [24] is granted in part due to lack of subject matter jurisdiction, Plaintiff is granted thirty days to amend his complaint to drop any diversity-destroying defendant and properly plead the citizenship of the remaining parties as well as the amount in controversy, and Plaintiff is granted thirty days after he files his amended complaint to perfect service of process on PUIC.

IT IS SO ORDERED.

DATED this 10 day of July, 2018.

  
MARCO A. HERNÁNDEZ  
United States District Judge